

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	MM Docket No. 99-325
Digital Audio Broadcasting Systems)	
and Their Impact on the Terrestrial)	
Radio Broadcast Service)	

To: The Commission

COMMENTS OF PRESS COMMUNICATIONS, LLC

Press Communications, LLC ("Press") offers the following Comments in response to the Commission's Public Notice, DA 05-1661 (June 16, 2005) (the "Notice") concerning the initial digital audio broadcasting ("DAB") standard, "NRSC-5." As reflected in its Comments filed in this proceeding on June 16, 2004, Press strongly supports DAB insofar as FM radio is concerned, but remains concerned as to its applicability to AM radio. However, even with respect to FM broadcasting, Press is concerned that the Ibiquity-favored DAB standard under consideration, and the processes employed to reach this point in the introduction of digital service to terrestrial broadcasting, has not adequately tested the potential interference to lower powered and short-spaced FM stations. Press' experience in this regard is unique and based on its experience with less than fully powered Class A FM stations located in New Jersey, where they confront competition from full power Class B stations. From its vantage point, Press is concerned that the potential for co- and adjacent channel interference created by DAB has not been adequately tested, particularly interference facing Class A and short-spaced stations.

1. *Background and Experience of Press.* The principals of Press have over 50 years experience in the ownership and operation of Class A FM stations, as well as Class B facilities, in northern New Jersey. At present, Press is the licensee of five Class A FM stations and one Class D AM station in New Jersey. All of the FM stations are licensed and operate with less than full Class A facilities (ERP of 6.0 KW, non-directional), because each station is short-spaced in at least one direction. Obviously, Press acquired these stations with full knowledge of these limitations, but it is concerned that the Ibiquity-favored DAB standard that is moving forward creates the potential for new adjacent channel interference. At the very least, the absence of potential interference has not, in Press' opinion, been adequately tested in the field to ensure that the situation will not be worsened for restricted-facility Class A FM stations.

2. Although the problems confronting such Class A stations is not unique to New Jersey, the situation in New Jersey is acerbated by the overshadowing of much of the state by higher-powered Class B FMs, primarily licensed to the Philadelphia and New York City markets, and the dearth of Class B stations licensed to communities in New Jersey. This problem was the reason the New Jersey Broadcasters Association ("NJBA") filed a Petition for Rule Making (RM-11099) (the "NJBA Petition") to address what it considered to be an unfair, inefficient and inequitable distribution of radio service in New Jersey in violation of Section 307(b) of the Communications Act of 1934, as amended.¹ One feature developed and documented in the NJBA Petition is the service provided by FM stations beyond the 60 dBu contour - in the case of New Jersey both from lower powered in-state stations as well as from higher-powered out of stations competitors. However, the Commission, again without adequate testing of adjacent- channel digital interference, has concluded that interference beyond a station's protected service area can be

¹ On November 8, 2004, Press filed Comments in support of the NJBA Petition.

sacrificed in the interest of a DAB standard. *First Report and Order in MM Docket No. 99-325*, 27 CR 777, 782 (2002) (the "*First Report*"). This issue is of particular concern for broadcasters and the listening public in New Jersey. Therefore, Press urges the Commission to more fully test the issue of adjacent channel DAB interference, especially involving Class A and short-spaced FM stations.²

3. There are various ways the Commission might address the short-spaced IBOC interference problem. One is to adjust the relative digital power levels of short-spaced stations on a case-by-case basis to ensure that neither station unduly interferes with the other, and each can serve an appropriate geographic area. Another approach, particularly where short-spacing exists only above or below a station's authorized channel but not both, would be to require a station partially to suppress power in the digital sideband on the side of its channel toward a short-spaced station, while maintaining full power on the other sideband. Regardless of the precise method adopted, the Commission must recognize that it has not adequately tested the IBOC interference potential facing co- and first-adjacent short-spaced stations, gather information on the extent of those potential problems, and explore viable solutions.

4. *The IBOC System Must Be Open.* As virtually all parties to this proceeding have commented, the transition to terrestrial digital radio must be a market-driven, open process and should remain so to the greatest extent possible at this stage of the process. It would be premature to fix on a final DAB standard now that would eliminate any alternatives to the development of IBOC

² The Commission must at least square its DAB policy relating to a station's protected service area with decisions involving analog broadcasting. For example, an application filed by Press for a new FM translator to better serve an area within the 60 dBu contour of one of its stations was denied because it would potentially interfere with service provided by an out-of-state Class B station to an area well-beyond that station's 60 dBu contour. See File No. BNPFT-20030827AFS (Petition for Reconsideration pending).

and related services other than the Ibiquity system.³ Unlike DTV where the Commission and industries are under pressure to complete the process as expeditiously as possible because of the extra spectrum required, there is no such issue involving IBOC, at least insofar as the FM band is concerned. Therefore, there is no need for the Commission to prematurely set DAB standards for an all-digital terrestrial radio service. Rather, the Commission should permit the marketplace to dictate the pace of development and services as the industries move from hybrid DAB, eventually to an all-digital FM service. However, unless the source code used for the Ibiquity system is made available, the transition process will be restricted to what Ibiquity decides and not a truly open system.

5. It is Press' understanding that neither Ibiquity nor NRSC will make the source code available to other parties with different equipment and services. The burden should be on Ibiquity to demonstrate that other equipment and services will cause harm, not for other potential users to prove the opposite. The situation is not unlike the old AT&T system, which strictly regulated other potential users on the ground that the national telephone system could be jeopardized if newcomers could add equipment or service to the system. The Commission rejected this concept and the public is now the beneficiary of the myriad technical and service benefits that have developed in a relatively short time. The Commission should adopt the same approach with the transition to terrestrial digital radio and not sanction one gatekeeper, but create a truly open transition process.⁴

³ At this point, all that the Commission has decided is that the only system it will consider for digital terrestrial radio is IBOC. *First Report*, at 790. Despite what may appear to be the case, the Commission has not selected the Ibiquity system as the IBOC standard. In fact, the fatal flaw in the Ibiquity system in this regard is that it uses part of the adjacent channels' spectrum, and could better be described as IBAC (In Band - Adjacent Channel). As noted below, alternatives to Ibiquity exist and likely will develop, and the Commission should consider the relative cost of alternative systems and the burden the Ibiquity system would place on small broadcasters as it proceeds with the digital transition.

⁴ For example, Press is aware of the efforts of DRE, Inc. (a company with which neither Press nor any of its principals has any connection) to develop and provide various services by digitizing a

This is particularly true in the case of Ibiquity, in which many large radio broadcast groups, which are licensees of major market radio stations and are proponents of the Ibiquity system, are also substantial investors in Ibiquity.

6. AM Station Problems. The case for AM station IBOC remains much more tenuous, partly because IBOC testing in the AM band is less extensive or persuasive, and because IBOC digital AM operation will compound AM interference problems since the AM digital signal shares spectrum with first-adjacent channel AM stations and because of ionospheric "skip" propagation at night. As noted, Press is the licensee of Class D AM station WHTG(AM), Eatontown, New Jersey, which operates with 500 watts daytime and only 126 watts at night; the low nighttime power does not provide adequate service to the station's market in the analog mode. As a consequence, Press is most interested in the possibility of digital operation in the AM band; however, if that mode of operation is accompanied by additional interference, especially to a station's restricted nighttime operations, it could make it more practical to cease operation at night altogether.

7. Press is not aware of any workable solution for nighttime IBOC AM operation that will not cause more harm than good, in terms of both interference and audio degradation. Press strongly favors the conversion of AM stations to digital operations, but remains skeptical that the migration to an in-band solution is realistic for AM. At this point, Press would urge the Commission to consider all alternatives, including devoting the expanded band from 1605 to 1705 kHz to digital broadcasting, with the legacy AM band reserved for analog service. Ultimately, as more stations elect to operate in a digital-only mode, it might be practical to carve out other segments of the AM band below 1605 kHz for digital broadcasting. The Commission should encourage additional testing

portion of the SCA band. Its system, FMextra, is fully compatible with a station's main channel analog service. See, www.fmextra.com. Obviously, other service providers and services are available, and the Commission's goal should be to set rules that will maximize their potential.

on AM IBOC interference and not be in any hurry to finalize final DAB standards for the AM band until the issues and technology are better documented.

Respectfully submitted,

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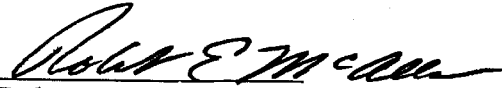
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July 19, 2005

DECLARATION

I have reviewed the information in the preceding Comments of Press Communications, LLC and declare that it is true and correct to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read "Robert E. McAllan", written over a horizontal line.

Robert E. McAllan, CEO
Press Communications, LLC

July 19, 2005